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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,009	04/09/2004	Kathleen Stengel	13592	1680

39747 7590 07/26/2005

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EXAMINER

WIEHE, NATHANIEL EDWARD

ART UNIT PAPER NUMBER

3745

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tata

**Office Action Summary**

Application No.

10/822,009

Applicant(s)

STENGEL, KATHLEEN

Examiner

Nathan Wiehe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04092004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 04/09/2004 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 16B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because FIG. 2 is used to label two figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

5. The disclosure is objected to because of the following informalities: specification titles are underlined.

Appropriate correction is required.

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6. Claims 3 and 5 objected to because of the following informalities: "thee" is written on page 13 line 6 in claim 3 and again on page 14 line 2 in claim 5. It is believed that "thee" should read --the--.

7. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 3 recites the limitation "each of the tabs has an adhesive tab for securing thee tabs to the tongue" in lines 6 and 7. This is unclear in light of the specification, which discloses that the tabs are secured to the side flaps.

10. Claim 5 recites the limitation "adhering the tabs to the tongue" in lines 8 and 9. This is unclear in light of the specification, which discloses that the taps are adhered to the side flaps.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker (6,019,479). Barker discloses a fan blade cover (10) including a

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main panel (24) side flaps (32,34), tongue (26) and a pair of tabs (28,30). Barker also teaches to encase the fan blade the main panel (24) extends under the fan blade's (100) bottom surface (106), the tongue (26) wraps over the top surface (104), the side flaps (32,34) wrap over the top surface (104), and the tabs extend over the top surface (104) and attach to the side flaps (32,34) except that the side flaps (32,34) are not attached to the tongue (26) as claimed instead the tongue (26) is secured under the side flaps (32,34). It is common practice in the art of adhesive fasteners that adhesives provide secure attachment between two adjoining items. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barker by providing adhesive at the ends of the side flaps in contact with the tongue to better secure the tongue with the side flaps as an engineering expedient.

13. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker. Barker, as modified in the rejection of claim 1 above, discloses the invention substantially as claimed except that there is only a single strip of adhesive (128) on side flap (34) and not a strip on both side flaps as claimed. It is common practice in the art of adhesives fasteners that more adhesive provides a more secure attachment between two attached items. Additionally, the placement of an adhesive strip on both side flaps would bring the benefit of allowing the user to secure the cover onto the fan blade without needing to use care in which side flap was folded over first. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fan blade cover of Barker by either duplicating the adhesive strip on

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side flap (32) in order to provide a more secure attachment or providing another adhesive strip on side flap (32) in order to allow the user to secure the cover without using care in which side flap was folded over first as an engineering expedient.

#### ***Allowable Subject Matter***

14. Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Prior Art***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent issued to Cannon discloses a ceiling fan blade cover using a longitudinally Velcro strip in order to remove the cover. The patent issued to Barone discloses a ceiling fan blade cover that uses tabs to secure the cover to the blade.

#### ***Conclusion***

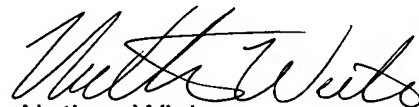
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Wiehe whose telephone number is (571)272-8648. The examiner can normally be reached on M-F.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571)272-4820. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nathan Wiehe  
Examiner  
Art Unit 3745

NEW



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7/22/05